

EXHIBIT B

SD

From: Sharon Desh sharon.desh@bartlit-beck.com
Subject: Fwd: MDL 2804 - follow up to meet-and-confer on pre-trial issues
Date: October 10, 2019 at 9:49 AM
To:

From: Jayne Conroy <jconroy@simmonsfirm.com>
Sent: Thursday, September 5, 2019 5:06 PM
To: Kate Swift <kate.swift@bartlitbeck.com>
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>; David@specialmaster.law
Subject: Re: MDL 2804 - follow up to meet-and-confer on pre-trial issues

Yes we have agreement — on the condition that we receive the hour breakdown or “run time” by defendant that you currently have concerning our affirmative designations. We received the Mallinckrodt run time from Ropes & Gray today.

Jayne Conroy
jconroy@simmonsfirm.com
Simmons Hanly Conroy
112 Madison Ave 7th Floor
New York, New York 10016
212 784 6402 office
917 882 5522 cell

On Sep 5, 2019, at 5:56 PM, Kate Swift <kate.swift@bartlitbeck.com> wrote:

Jayne,

We have not heard back from you in response to my email below. When we spoke yesterday, you and I both expressed the view that we were very close to an agreement on the deposition designation issues, and that we expected to wrap it up yesterday.

Do we have plaintiffs' agreement? If there is something we still need to discuss, will you let us know this evening?

I appreciate it,
Kate

BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531-6118 | Kate.Swift@BartlitBeck.com | Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

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From: Kate Swift
Sent: Wednesday, September 4, 2019 12:28 PM
To: Jayne Conroy <jconroy@simmonsfirm.com>
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com; 2804 Discovery, MDL <mdl2804discovery@motleyrice.com>; David@specialmaster.law

Subject: RE: MDL 2804 - follow up to meet-and-confer on pre-trial issues

Thanks, Jayne. Based on our call this morning, I think this is where we are on deposition designations, moving a couple of the deadlines as we discussed:

- The parties will serve counters/objections to non-party (e.g., DEA) designations on the existing September 6 deadline.
- Plaintiffs will reduce their deposition designations to a total of 75 hours by noon eastern on September 14. To aid in this process pre-trial, and based on plaintiffs' representation that they cannot currently calculate run times for designations, defendants will endeavor to provide run times for plaintiffs' current designations of our witnesses. Going forward, we expect that plaintiffs will take steps to be able to do this themselves.
- Defendants will disclose the number of severed party witnesses from whom they will designate testimony on September 17.
- Plaintiffs will serve 50% of their counters and objections for each defendant, and each defendant will serve 50% of their counters, objections, and severed-party designations, on September 17.
- The parties will serve the remaining 50% of their counters, objections, and defendants' severed party designations onSeptember 20.
- The September 25 deadline to exchange final counters and objections, to previously made counters, shall be moved back to September 27.
- **Defendants will serve deposition designations for witnesses affiliated with parties who are later severed or dismissed from the Track One trial within three weeks of severance/dismissal, with counters and objections to follow two weeks thereafter. The parties acknowledge that these deadlines may need to be shortened as we get within three weeks of trial, and will work together on that process.**

I will be in the air much of the afternoon, but could talk late this afternoon if we can't resolve any final details by email. In any event, we have agreement that defendant-specific counters and objections are NOT due this Friday, September 6.

Thanks,
Kate

BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531-6118 | Kate.Swift@BartlitBeck.com | Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

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From: Jayne Conroy <jconroy@simmonsfirm.com>
Sent: Tuesday, September 3, 2019 10:16 AM
To: Kate Swift <kate.swift@bartlitbeck.com>

To: Kate Swift <kate.swift@bartlitbeck.com>
Cc: xALLDEFENDANTS-MDL2804-Service@arnoldporter.com; 2804
Discovery, MDL
<mdl2804discovery@motleyrice.com>; David@specialmaster.law
Subject: Re: MDL 2804 - follow up to meet-and-confer on pre-trial issues

Thank you Kate. I will send you a list shortly with contact individuals for the exhibit list, designations, MILs and stipulated facts. We will not have defense-specific counsel but rather a team on each.

With respect to your designation proposal, here is our bullet point by bullet point response:

- We agree to serve counters/objections to the non-party designations on the existing date of September 6th.
- We do not have a conceptual problem with a reduction to 75 hours. Can you send us your breakdown of run hours by defendant (or by witness)? We do not have our designations in run time format as precisely as you have it calculated.
- We agree on September 15 as the date Defendants will disclose the number of severed party witness designations.
- We agree to serve 50% of the counters and objections on September 15, and Defendants will serve counters, objections and severed witness designations on the same date. September 20th for the remaining 50%.
- September 27 for final exchange of counters and objections.
- **We agree that the parties will serve designations from witnesses later served or dismissed within three weeks of severance/dismissal, with counters and objections to follow two weeks thereafter, with necessary adjustments as trial date approaches.**

We look forward to talking tomorrow and I am available by email today if anything above is unclear.

Jayne Conroy
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From: Kate Swift <kate.swift@bartlitbeck.com>
Date: Saturday, August 31, 2019 at 5:09 PM
To: Jayne Conroy <jconroy@simmonsfirm.com>
Cc: "xALLDEFENDANTS-MDL2804-Service@arnoldporter.com"
<xALLDEFENDANTS-MDL2804-Service@arnoldporter.com>, "2804
Discovery, MDL" <mdl2804discovery@motleyrice.com>, David Cohen
<David@specialmaster.law>
Subject: MDL 2804 - follow up to meet-and-confer on pre-trial issues

~~Subject: MDL 2007 - follow up to meet and confer on pre-trial issues~~

Jayne,

It was good to speak with you yesterday.

Here is our list of point people on the various pre-trial issues. Please send us your own list when you can. As we discussed, we may identify additional people for specific issues as we go.

- John Bueker (Mallinckrodt)
- Wendy West Feinstein and Nancy Patterson (Teva)
- Amy Lucas (Janssen)
- Joe Mahady and Brian Himmel (ABDC)
- Colleen McNamara and Isia Jasiewicz (Cardinal)
- Brandan Montminy (Schein)
- Sara Roitman and Meghan Kelly (Purdue)
- Andrew Stanner (McKesson)
- Kate Swift (Walgreens)

Based on our call, and Special Master Cohen's earlier email, here is what we propose for deposition designations:

- The parties will serve counters/objections to non-party (e.g., DEA) designations on the existing September 6 deadline.
- Plaintiffs will reduce their defendant-specific designations to 75 hours by September 12, at which point you will have our witness lists.*
- work together on that process.

* This is still much more than can reasonably be played at a 7-week trial, but is a necessary interim step. On our call, you and Hunter indicated that you would send us significant cuts from your designations perhaps as soon as the end of the day Friday, but we have not received anything. When may we expect to see those promised cuts? We do not mean to suggest that plaintiffs should wait until Sept. 12 to send them.

Please let us know if you'd like to find time to discuss these details. Meanwhile, we will circulate a dial-in for our call next Wednesday at 9 eastern on MILs and fact stipulations.

Thanks,
Kate

BartlitBeck LLP

Katherine M. Swift | p: 312.494.4405 | c: 773.531-6118 | Kate.Swift@BartlitBeck.com | Courthouse Place, 54 West Hubbard Street, Chicago, IL 60654

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